



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

**City of Warwick
Planning Board Meeting
Minutes
April 14, 2021**

Members Present: Valerie Bataille
Benny Bergantino
Steve Catalano
Vincent Gambardella
Cynthia Gerlach
Michael Holmes
Michael Penta
Linda Polselli
Philip Slocum

Members Absent: NONE

Also in Attendance: Bruce Keiser, Planning Director/Administrative Officer
Lidia Cruz-Abreu, Asst. Administrative Officer
Lucas Murray, Asst. Principal Planner
Eric Hindinger, Engineering Project Manager
David Petrarca, Solicitor

Chairman Slocum called the meeting to order at 6:05 p.m.

Public Hearing
Major Land Development Project/Subdivision
581 Oakland Beach Avenue
Preliminary

Location: 581 Oakland Beach Avenue
Assessor's Plat: 360
Assessor's Lots: 71
Applicant: Zarrella Development, A. Sevigny, K. Sevigny, & D. Perreault
Owner: A. Sevigny, K. Sevigny, & D. Perreault
Zoned: A-7-Residential and A-7 Planned District Residential-Limited (PDR-L)
Portion
Land Area: 2.45 acres
Ward: 6
Surveyor: Peter V. Cipolla, Jr., PLS

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant who requested Preliminary Approval of a Major Land Development Project/Subdivision. The Applicant proposes to subdivide (1) one 2.45 acre lot, with an existing two-family dwelling approved by the Zoning Board of Review in 1947 to create (4) four lots; (1) one new 81,233 square foot lot, with an existing two-family dwelling and to legalize a third-dwelling unit in an existing, non-conforming cottage, (1) one new 10,517 square foot lot for the development of a new two-family dwelling both lots meeting and exceeding the A-7 Planned District Residential-Limited Zoning District; (1) one new 7,000 square foot lot for the development of a single-family dwelling, and (1) one new 7,909 square foot lot for the development of a single-family dwelling, both lots meeting and exceeding the requirements of the A-7 Residential Zoning District.

The Applicant received Master Plan Approval at the regularly scheduled February 2020 Planning Board Meeting and a City Council Zone Change, PCO-19-20, to legalize the unit in the rear cottage as show on the Peter V. Cipolla, JR., RLS, Development Plan dated July 3, 2019 on Assessor's Plat 360, Lot 71, and to allow for the development of a two-unit residential dwelling on Record Lot 1.

Planning Department Findings

The Administrative Officer finds the proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposed development is generally consistent with the Comprehensive Community Plan criterion that it be consistent with the surrounding area. The proximate land uses found in the vicinity are single-family, multi-family, and business. The Planning Department also finds the proposed development to be consistent with: Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled “Future Land Use, Zoning and Urban Design: Goals and Policies,” which promotes developments “*that are safe, attractive, well-maintained and stable... ones designed to “protect... and support...existing residential neighborhoods;”*”
 - It further promotes... “*Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character and of the surrounding area;”*”
 - Chapter 7 of the City of Warwick Comprehensive Plan addresses Housing and Neighborhoods, specifically within its “Recommendations” section lists as *Goal 1*, the City should work to provide “*a wide range of quality housing choices to meet the diverse needs of households at all income levels and all stages of the life cycle, by supporting the addition of compact housing types such as townhouses, lofts, apartments, cottage developments...in suitable locations;”*”
2. That the Applicant has received a City Council Zone City Council Zone Change, PCO-19-20 to legalize the unit in the rear cottage as show on the Peter V. Cipolla, JR., RLS,

Development Plan dated July 3, 2019 on Assessor's Plat 360, Lot 71 and to allow for the development of a two-unit residential dwelling on Record Lot 1; therefore the development as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance.

3. That there will be no significant negative environmental impacts from the proposed development
4. That, the development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed Project possesses adequate access along Oakland Beach Avenue, Wood Street, Lynn Road, Brush Neck Avenue, and Coburn Street.
6. That the development will have access to Municipal Water and Sewer.

Planning Staff read the Recommendations into the record.

Planning Department Recommendations

Planning Department recommendation is to grant Preliminary Approval, with Final Approval through the Administrative Officer, upon compliance with the following stipulations:

1. That the Applicant shall submit a Final Plan and Record Plat shall comply with the Rules and Regulations for Professional Land Surveyors, Effective November 25, 2015.
2. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, which shall include, but not be limited to:
 - Confirm Assessor's Lot number for 563 Oakland Beach Avenue
3. That, the Record Plat for the 581 Oakland Beach Avenue project shall be recorded concurrently with the Record Plat for Assessor's Plat 360 Lots 916 & 911 to address existing encroachments.
4. That Prior to Final Approval, the Applicant shall coordinate with the City's Water Division regarding connection.
5. That the City of Warwick Comprehensive Plan 2033, (Plan) Section 5, entitled "Parks, Open Space and Recreation" pgs. 5.13-5.16, Subsection, F, Recommendations Goal 2, calls to "preserve, maintain, and enhanced a broad range of neighborhood recreational facilities., in accordance with the aforementioned, the Applicant shall dedicate "Funds-In-Lieu of

Open Space” equal to (2) two lots to the City of Warwick for Recreational District 3, prior to the recording of the Final Record Plat.

6. That Developer/Owner shall be responsible for the curb-to-curb restoration of Coburn Street from the most westerly excavation required for utility installation to Oakland Beach Avenue, unless existing sanitary sewer and water laterals are existing for all dwellings.
7. That, prior to Final Approval, the Applicant shall provide a Performance Bond equal to the value of the cost of roadway restoration, monumentation, and landscaping.
8. That both the existing and the proposed dwellings shall be connected to Municipal Sewers, prior to the issuance of the Certificate of Occupancy.
9. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall perform all roadway restoration and install all monumentation and landscaping, as depicted on the Final Development Plan/Record Plat.

Ms. Bataille, seconded by Mr. Holmes and Mr. Penta, made a motion to adopt the Planning Department’s Findings and Recommendations, as read and amended and to grant a Preliminary Approval with Final Approval through the Administrative Officer. All in favor; none opposed.

Mr. Holmes, recused himself from the following Application, noting a conflict.

Street Abandonment Advisory Recommendation
Portion of Pearl Avenue

Applicant: Montauk Shores Realty, LLC & Shoreline Properties, INC.
Location: Abutting:
26 Watson Street,
159 Gordon Avenue
139 Gordon Avenue
Assessors Plat: 361; Assessor’s Lots: 675, 674, and 746
Ward: 6
Surveyor: Ocean State Planners

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant who was requesting an abandonment of a portion of Pearl Avenue between Watson Street and Gordon Avenue.

Planning Staff read the Recommendations into the record.

Recommendation: The City’s Fire Department, Police Department, Conservation Commission, Historic District Commission, Land Trust, Harbor Management Commission, and the Historic Cemetery Commission have

reviewed that abandonment plan and have no objection to the proposed abandonment.

The City's Engineering Division, Water Division and Sewer Authority have no objection to the proposed abandonment with the stipulation that the City maintain the perpetual right to use any or all of the full width of the abandonment (40') for the annual maintenance of existing Sewer and Water Lines and any and all future installation of utilities, as needed. Property Owners shall not install permanent structures on said easement and no fencing or landscaping shall be installed within 10' either side of the existing Sewer and Water Lines.

The Planning Department recommends the Planning Board forward a positive recommendation to the City Council for the requested abandonment of the requested portion of Pearl Avenue, with the following stipulations:

1. That the City shall maintain the perpetual right to use any or all of the full width of the abandonment (40') for the annual maintenance of existing Sewer and Water Lines and any and all future installation of utilities, as needed. Property Owners shall not install permanent structures on said easement and no fencing or landscaping shall be installed within 10' either side of the existing Sewer and Water Lines.
2. If the Abandonment is approved by the City Council, an Administrative Subdivision meeting the standards as set forth in the "*Development Review Regulations Governing Subdivisions Land Development Projects Development Plan Review*" shall be recorded by the interested parties abutting the abandonment.

Mr. Catalano, seconded by Ms. Polselli, made a motion to adopt the Planning Department's Findings and Recommendations and to forward a favorable advisory recommendation to the City Council for the requested abandonment, with the Planning Department recommendations. Ms. Bataille, Mr. Bergantino, Mr. Catalano, Mr. Gambardella, Ms. Gerlach, Mr. Penta, Ms. Polselli, and Mr. Slocum voted in favor; with Mr. Holmes recusing noting a conflict.

Public Meeting
Major Land Development
1009 Centerville Road
Request for Time Extension of Preliminary Approval

Location: 1009 Centerville Road
Assessor's Plat: 241
Assessor's Lot: 10
Owner/Applicant: Michael Kent, MIKENT, Inc.

PLANNING DEPARTMENT • BRUCE KEISER, DIRECTOR
3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009

Current Zone: Zone Change, PCO-18-17, changing the zoning from Residential A-15 to General Business, with restrictions, conditions, waivers and stipulations.
Area: 16,971 sf
Ward: 8
Engineer: Andersen Engineering, LLC
Surveyor: E. Greenwich Surveyors, LLC

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant who was seeking a one-year extension of the vesting of a Preliminary Plan approval originally granted on April 19, 2019 by the Planning Board. The project proposes the construction of a 2,596 square foot, 60 seat restaurant building, and associated site improvements.

Planning Department Findings

Pursuant to Article 8.7.4 of the City's Development Review Regulations and RIGL §45-23-41(h) the Planning Department finds that the applicant has proceeded with due diligence and that:

1. The project remains generally consistent with the Comprehensive Plan as outlined in the Preliminary Plan approval, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this development project.
2. The City's Development Review Regulations, Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the Preliminary Plan application, as they would apply to this development project.
3. The Zoning Map designation for the development has not changed substantially since the time of the Preliminary Plan application.
4. No substantial change to the physical conditions of the development project or the neighboring property has occurred since the time of the Preliminary Plan application.

Planning Staff read the Recommendations into the record.

Planning Department Recommendation

The Planning Department recommendation is to grant an extension of the Preliminary Plan approval until April 19, 2022.

Ms. Gerlach, seconded by Mr. Bataille, made a motion to grant a one-year extension to expire on April 19, 2022. All in favor; none opposed.

Public Information Meeting
Major Land Development Project
1149 Division Street
Master Plan

Applicant: TPG Dev Con
Owners: JT Development Partners, LLC.
Location: 1149 Division Street (Route 401)
Assessor's Plat: 215
Assessor's Lot: 008
Zoning District: General Business
Area: 1.69 +/- acres
Ward: 9
Engineer: DiPrete Engineering

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; represented the Applicant who was requesting Master Plan Approval of a Major Land Development Project to demolish the existing restaurant building and construct a new 5,500 SF +/- retail gas station/marketplace, with a drive thru window and associated parking/loading areas, on the subject parcel. The Applicant is also requesting a recommendation to the Zoning Board of Review for a Special Use Permit for Use Code 421. Gas station (no repairs), with a convenience store, with relief from less-than-required setback.

Access/egress to the site will be provided from two site driveways: one right in only driveway from the westbound side of Division Street (Route 401) and one full access curb cut aligned with the signalized intersection that will allow vehicles to enter or exit the site eastbound or westbound to/from Division Street, or access the on ramp to Route 4 southbound.

Planning Department Findings

The Administrative Officer finds the following related to RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*:

1. That the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033*, or must satisfactorily address issues where there may be inconsistencies, as follows:
 - a. The project involves the redevelopment of a property that is currently vacant and unutilized, and proposes substantial landscaping along the public way. *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* states that 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is "very important." The project is consistent with this Comprehensive Plan element, provided the

landscaping, signage, and building features conform to all current zoning requirements.

- b. A stated land use issue relating to Division Street in *Chapter 12, Section K*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is the “impacts of high traffic speeds.” The site is located directly adjacent to two major state highways (Route 4 and Route 95) with a proposed direct on ramp/off ramp access to both routes. The applicant needs to perform further traffic analysis to determine traffic impacts and propose appropriate mitigation measures in order to maintain consistency with the Comprehensive Plan.
- c. Although the proposed project abuts parcels to the west currently zoned residential (A40), the actual use on the abutting property is industrial in nature with an electric substation. The abutting parcel to the east is commercially zoned (GB) and areas to the south of the site are associated with the highway on ramps and off ramps. The project is therefore consistent with a stated policy in *Chapter 12* of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element to “ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area.” The Applicant will need to provide appropriate landscaping and site building features in order to maintain consistency with this component of the Comprehensive Plan.
- d. A stated land use issue relating to Division Street in *Chapter 12, Section K*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is “potential impacts of nonresidential development on residential areas...” Although the proposed project abuts parcels to the west currently zoned residential (A40), the parcel contains an electric substation so the actual use is industrial/commercial in nature. The closest actual residential dwelling is more than a quarter mile from the site and across a major highway. The project is therefore consistent with this Comprehensive Plan element.
- e. A stated land use issue relating to Division Street in *Chapter 12, Section K*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is “potential impacts of nonresidential development on ... environmentally sensitive areas.” The parcel does not directly abut any areas of special environmental concern. However, the applicant must incorporate appropriate measures to mitigate stormwater runoff, provide pretreatment, and other best management practices (BMPs) in order to adhere to state and local stormwater management regulations and maintain consistency with the Comprehensive Plan.
- f. *Chapter 9, Section 2*, of the *Comprehensive Plan, Transportation and Circulation* element identifies Quaker Lane (Route 2)/Division Street (Route 401, East Greenwich town line) as one of the top 50 most dangerous intersections in Rhode Island. This intersection is approximately one-quarter mile from the project site and may be influenced by traffic from the proposed development. Therefore the

applicant needs to perform a traffic analysis to determine any potential impact the development may have on traffic at the Route 2/Route 401 intersection and propose appropriate mitigation measures, if required, in order to mitigate impacts and maintain consistency with the Comprehensive Plan.

2. That the proposal is not compliant with the standards and provisions of the City's Zoning Ordinance in consideration of the following:
 - a. The project requires Zoning Board of Review approval for a Special Use Permit (SUP) pursuant to *TABLE 1. USE REGULATIONS, Use Code 421. Gas station (no repairs), with a convenience store.*
 - b. The project requires Zoning Board of Review approval for a dimensional variance pursuant to *TABLE 2B. DIMENSIONAL REGULATIONS, Footnote 2* for less than the required 40' setback from an abutting residential district to the use (driveway to the west of the proposed building).
3. That there will be no significant negative environmental impact from the proposed development provided the applicant conforms to all conditions of approval and proposes appropriate mitigation measures in order to maintain consistency with the Comprehensive Plan in future review phases.
4. That the development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable in consideration of the following:
 - a. The development, as proposed, is contained solely on a single lot (AP 215/Lot 008) and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards, provided zoning relief is granted by the ZBR.
5. That the proposed development possesses adequate and permanent access to a public street (Division Street/Route 401) provided:
 - a. The Applicant provides a trip generation/traffic impact study and assessment of signalized intersection at the full access curb cut, Division Street (Route 401), and the Route 4 on ramp/off ramp.
 - b. An assessment of the potential impact of additional traffic flow to/from the site on the Quaker Lane (Route 2)/Division Street (Route 401, East Greenwich town line) intersection is provided.
 - c. Appropriate mitigation measures are provided to minimize disruption to the existing traffic flow as required by the Rhode Island Department of Transportation (RIDOT).
 - d. RIDOT authorizes the issuance of a Physical Alteration Permit for the project.

Planning Staff read the Recommendations into the record.

Planning Department Recommendations

Should the Planning Board see fit to grant Master Plan approval, the Planning Department recommends inclusion of the following stipulations:

1. That all Plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island," effective date November 25, 2015.
2. That the Applicant shall submit a Preliminary Land Development Plan that complies with Appendix C, Final Application, of the City's *Development Review Regulations Governing Subdivisions, Land Development Projects, and Development Plan Review*, last amendment dated March 14, 2001.
3. That a Storm Water Management Plan shall be submitted in accordance with the Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, that is designed to demonstrate a net zero rate of runoff from the proposed development.
4. That the design Engineer must meet with the City of Warwick Department of Public Works (DPW) engineering staff to review the proposed drainage system prior to submission to the RI Department of Environmental Management (RIDEM) or RIDOT.
5. That an Operation and Maintenance Plan for the proposed stormwater collection system be included with the Preliminary Plan submission to the Planning Department.
6. That sewer service be reviewed and approved by the Town of West Warwick under the inter-municipal agreement for sewer service. All permits, including, but not limited to, a commercial user pretreatment permit and a food service wastewater permit, shall be obtained from the West Warwick sewer treatment facility (WWTF) prior to Preliminary Plan submission.
7. That the Applicant shall obtain all necessary permits from the Kent County Water Authority for water service to the site.
8. That the Developer must contact Narragansett Electric Co. (aka National Grid) to coordinate the removal of the existing asphalt parking area that encroaches onto the Narragansett Electric Co. property to the west of the subject lot thereby removing an unnecessary impervious area.
9. That the Applicant provide the following items related to traffic with their Preliminary Plan application:

- a. A trip generation/traffic impact study and assessment of signalized intersection at the full access curb cut, Division Street (Route 401), and the Route 4 on ramp/off ramp.
 - b. An assessment of the potential impact of additional traffic flow to/from the site on the Quaker Lane (Route 2)/Division Street (Route 401, East Greenwich town line) intersection.
 - c. A letter from RIDOT stating that a Physical Alteration Permit (PAP) will be granted for the project provided necessary bonding, insurance, and any other requirements are met.
 - d. Mitigation measures are incorporated into the site plan that seek to minimize or eliminate disruption to the existing traffic flow, as required by the Rhode Island Department of Transportation (RIDOT).
10. That the development have an adequate number of fire hydrants spaced 300 Ft. apart and providing a minimum of 1000 GPM. Sprinklered buildings require a hydrant within 100 Ft. of the Fire Department Connection (FDC).
11. That, if the hydrant currently located on the property is proposed for removal the Warwick Fire Department will review all plans for compliance with all life safety codes and issues.
12. That there shall be no architectural, landscaping, or natural barriers proposed on the plan that prevent easy access of fire apparatus.
13. That the site design for the Preliminary Plan phase site plan include areas adequate for snow storage and/or develops a practical method of removal and disposal of snow.
14. That the Preliminary Plan phase submission include a landscape plan prepared by a registered landscape architect, approved by the City's Landscape Coordinator, that meets all requirements under Section 505 of the City's Zoning Ordinance, and includes the following:
- a. Restoration of areas where asphalt pavement currently encroaches on AP 215/Lot 20. Restoration shall include the installation of topsoil, groundcover (wildflower mix, grass seed, or similar) and planting of a mixture of native trees and shrubs as authorized by Narragansett Electric Company (aka National Grid), or current land owner.
 - b. Plantings, as practicable, within and around any stormwater management basins and swales. Plantings shall include native grasses, perennials, and shrubs that will assist in the control of erosion, uptake and treatment of stormwater, and reduction of any fertilizers or nutrient supplements.
 - c. Enhanced landscaping in all planting beds within 20' of the right-of-way area (Division Street/ Route 401). Enhanced landscape areas shall include stone walls or similar hardscape elements; ornamental perennials, shrubs and trees; LED lighting; and/or similar elements that serve to enhance the overall aesthetic of this highly visible thoroughfare.

- d. The integration of signage with hardscape and softscape landscape elements (i.e. stone sign base, integration of signage into a wall, and/or accentuating plantings.
 - e. Screening of the Dumpster with a tight evergreen hedge on sides abutting adjacent parcels.
15. That the Preliminary Plan submittal include a photometric site plan, and specifications for all exterior lighting. Site lighting shall be Dark Sky compliant, to the extent practicable. All exterior lighting and signage shall be designed to minimize negative impacts on neighboring properties. Glare from outdoor lights, signs, and from the movement of vehicles on site shall be shielded from the view of adjacent properties.
16. That the Preliminary Plan submittal shall include location, details, and color elevations of all proposed signage. All signage shall be subject to approval by the Administrative Officer to the Planning Board and conform to the standards of the Warwick Zoning Ordinance, Section 800.
17. That the Preliminary Plan submittal include color elevations of the proposed gas canopy and building façade.
18. That the Preliminary Plan submittal include a document that summarizes general business operations, to include hours of operation, shift changes, timing of typical peak traffic flow, and any other relevant operations information for consideration by the Board.

Ms. Bataille, seconded by Mr. Penta, made a motion to adopt the Planning Department Finding and Recommendation and to grant Master Plan Approval, with the Planning Department stipulations. All in favor; none opposed.

Presentation and Discussion
Zoning Ordinance Regarding Solar Siting and
Development Review Regulations

Mr. Lucas Murray presented the latest draft of the solar siting ordinance and Development Review Regulations with discussion and questions to follow by the Planning Board. No vote was taken.

No Director's report to present.

Ms. Bataille, seconded by Mr. Penta, made a motion to adjourn at 8:20 pm. All in favor, none opposed.